United States Department of the Interior Bureau of Land Management

Environmental Assessment for the Renewal of BLM Grazing Permit #0501761 for Loban-Hackleman-Olson, #0501742 for Kay Blanton-Huffman, and #0500034 for Silver Spur Operating Company, LLC.

> Kremmling Field Office 2103 Park Ave, PO Box 68 Kremmling, Colorado 80459

DOI-BLM-LLCON02000-2012-024-EA



IDENTIFYING INFORMATION

This Environmental Assessment (EA) has been prepared by the Bureau of Land Management (BLM) in response to the application for renewal of Livestock Grazing Permits #0501761 for Loban-Hackleman-Olson that authorizes livestock grazing on Allotments 07101 (Cowdrey Lake) and 07102 (Buffmeyer Draw), #0501742 for Kay Blanton-Huffman that authorizes livestock grazing on Allotment 07077 (W. BLM & Trailer Pasture), and #0500034 for Silver Spur Operating Company, LLC. that authorizes livestock grazing on Allotment 07021 (Brands).

<u>PROJECT NAME</u>: Grazing Permit Renewal for Loban-Hackleman-Olson, Kay Blanton-Huffman, and Silver Spur Operating Company, LLC.

PLANNING UNIT: Kremmling Field Office

APPLICANT:

Loban-Hackleman-Olson LLC Kay Blanton-Huffman

Silver Spur Operating Company, LLC.

BACKGROUND:

To meet the mandates of the National Environmental Policy Act (NEPA), an environmental analysis of the permit renewal must occur. This environmental assessment (EA) will satisfy the NEPA mandates. These permits need to be renewed in order for the permittees to continue to graze livestock on their allotments. All three permittees have applied to have their permits renewed. Livestock grazing permits are subject to renewal at the discretion of the Secretary of the Interior for a period of up to 10 years. Approving permit renewals has been delegated to the local Authorized Officer.

All four allotments are category "C" allotments with no know issues or concerns. They all are comprised of a small part of BLM administered land with the majority of the land held by private entities. The objective of "C" allotments is to maintain the current existing allotment situation and provide for management opportunities as needs arise with operators/other land use agencies.

Since there are no known issues or concerns on any of these allotments and they contain small amounts of BLM administered public land, these allotments have not been assessed for compliance with the Standards for Public Land Health in Colorado.

PROJECT LOCATION AND LEGAL DESCRIPTION

<u>LEGAL DESCRIPTION:</u> BLM administered land in North Park located in Jackson County.

Allotment	Legal Description		
Number			
07101	T. 10 N., R. 80 W., 6 th PM., Sections 18, 19, 20		

07102	T. 10 N., R. 79 W., 6 th PM., Sections 10, 13, 14, 15
07077	T. 8 N., R. 79 W, 6 th PM., Sections 29, 30, 32
07021	T. 9 N., R. 81 W., 6 th PM., Section 4, 5, 6

Project Location Maps: Attached

PURPOSE AND NEED

The purpose of this action is to continue to allow grazing on public lands in a responsible manner that is compatible with the Standards for Public Land Health, other resource uses and objectives, and in compliance with grazing regulations under 43 CFR 4110.1(a)(1).

In order to graze livestock on public land, the livestock permittee must hold a valid grazing permit. The need for this action is to ensure that grazing is authorized by a valid grazing permit and ensure the permittee manages grazing in accordance with current resource trends and uses.

PLAN CONFORMANCE REVIEW

The BLM has the authority to renew the livestock grazing permit/lease consistent with the provision of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and the Kremmling Area Resource Management Plan (KRMP). This plan has been amended by the Standards for Public Land Health in Colorado.

Taylor Grazing Act (43 U.S.C. §§ 315-3160, June 28 1934, as amended 1936, 1938, 1939, 1942, 1947, 1948, 1954 and 1976) was the first Federal effort to regulate grazing on Federal public lands. It establishes grazing districts and uses a permitting system to manage livestock grazing in the districts.

315b. **Grazing Permits.** The Secretary is authorized to issue permits to graze livestock in grazing districts to settlers, residents and other stock owners upon the annual payment of reasonable fees. Permits must be for a period of not more than ten years, with renewal subject to the discretion of the Secretary, who shall specify numbers of stock and seasons of use. During periods of range depletion due to severe drought or other natural causes, or during epidemics, the Secretary may remit, reduce, refund in whole or part, or postpone payment of grazing fees for the time the emergency exists. Grazing privileges must be safeguarded adequately but must not create any right, title, interest, or estate in or to the lands.

Federal Land Policy and Management Act (43 U.S.C. 1701) states that public lands will be managed on the basis of multiple use and sustained yield.

§ 402. **Grazing leases and permits.** Permits and leases for domestic livestock grazing on public lands issued by the Secretary...shall be for a term of ten years subject to such term and conditions the Secretary concerned deems appropriate.

The Proposed Action is in conformance with the Record of Decision for the Kremmling Resource Management Plan (KRMP) updated in 1999, and with the land use plan as required by 43 CFR 1610.5-3(a). The BLM Kremmling RMP analyzed the impacts of grazing.

In January 1997, the Colorado State Office of the BLM approved the Standards for Public Land Health and amended all RMPs in the State. Standards describe the conditions needed to sustain public land health and apply to all uses of public lands.

<u>Standard 1</u>: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

<u>Standard 2</u>: Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

<u>Standard 3</u>: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential.

<u>Standard 4</u>: Special status, threatened and endangered species (Federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

<u>Standard 5</u>: The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

PUBLIC PARTICIPATION

Scoping: National Environmental Policy Act (NEPA) regulations (40 CFR §1500-1508) require that the BLM use a scoping process to identify potential significant issues in preparation for impact analysis. The principal goals of scoping are to allow public participation to identify issues, concerns, and potential impacts that require detailed analysis.

Persons/Public/Agencies Consulted:

A scoping process was initiated in January 2007, to request information concerning the renewal of the grazing permit and to prioritize areas of allotments with issues and concerns. The BLM Kremmling Field Office (KFO) sent scoping letters, along with land status maps showing the affected allotments to the following groups and agencies:

- Colorado Parks and Wildlife (CPAW) (Steamboat Springs, Walden, Hot Sulphur Springs, Fort Collins);
- District Board of Grazing Advisors;
- County Commissioners of Grand and Jackson counties;
- Stock Growers Association (Middle Park, North Park, Upper Big Laramie River Ranch Association);
- Northwest Resource Advisory Council;
- United States Forest Service (Silverthorne, Granby, Walden);

- U.S. Fish and Wildlife Service (Arapaho National Wildlife Refuge);
- Tribal Councils (Arapaho, Shoshone, Southern Ute);
- Colorado Commission of Indian Affairs;
- Ute Indian Tribe Uintah and Ouray Agency Business Committee;
- Colorado Environmental Coalition; and
- Colorado State Land Board (Lane Osborn).

The BLM Colorado State Office also mailed outreach letters concerning the renewal of the grazing permit to all Congressional offices, State and Federal agencies, and major environmental, conservation and user group organizations.

In addition, the BLM mailed individual letters to the affected permittee informing them that their permit was up for renewal and requested any information they wanted the agency to include or take into consideration during the permit renewal process.

The BLM also posted a Notice of Public Scoping on the BLM Colorado external website and the BLM KFO Internet NEPA register website, as well as placing notices in the Grand and Jackson county newspapers asking for public input on permit renewals and the assessment for compliance with the Standards within the KFO. The notice was followed up with a website posting of the KFO prioritization of the allotments and a determination as to which allotments would be assessed according to the Standards.

No comments were received during public scoping. No issues were identified during public scoping.

DECISION TO BE MADE

The BLM will decide whether to implement the proposed action which is to renew the BLM Grazing Permit #0501761 for Loban-Hackleman-Olson, #0501742 for Kay Blanton-Huffman, and #0500034 for Silver Spur Operating Company, LLC. based on the analysis contained in this Environmental Assessment (EA). The BLM may choose to; implement the proposed action, implement the proposed action with modifications/mitigation, or implement an alternative to the proposed action.

The BLM will determine if the applicants have a satisfactory record of performance in accordance with 43 CFR 4110.1-1(a)(1).

ALTERNATIVES ANALYZED IN DETAIL

In this document, the BLM has analyzed the No Grazing and Proposed Action Alternatives in detail. The Proposed Action is to authorize grazing at the Current level which was established to address public land health issues.

Under the No Grazing Alternative, grazing would not be authorized on this allotment and a Term Grazing Permit would not be renewed.

Proposed Action

Under the Proposed Action, the BLM would renew the applicant's 10-year term livestock grazing permits #0501761 for Loban-Hackleman-Olson, #0501742 for Kay Blanton-Huffman, and #0500034 for Silver Spur Operating Company, LLC. The proposed action is in accordance with 43 CFR 4130.2. The table below summarizes the scheduled grazing use and grazing preference for the permits.

Permit	ALLOTMENT	Acres	Acres	Acres	%PUBLIC	LIVESTOCK		SEASON OF USE	
		Public	State	Private	LAND	NUMB	ER /KIND		AUMs
# 0500034	07021 Brands	705	0	856	24	242	Cattle	07/01 - 08/31	116
# 0501742	07077 W BLM &	120	0	438	45	76	Cattle	06/07 - 07/14	43
	Trailer Pasture								
# 0501761	07101 Cowdrey	170	0	310	6	125 Cattle		04/01 - 5/31	15
	Lake				6	45	Cattle	06/01 - 08/15	7
					6	125 Cattle		08/16 - 10/15	15
# 0501761	07102 Buffmeyer	480	0	1,120	30	40	Cattle	05/16 - 09/15	48
	Draw								

^{*} AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

Terms and Conditions of the Proposed Action are:

- 1. Grazing use in the Allotments would be in compliance with the decision date.
- 2. The permittee is responsible for notifying the BLM of all county listed noxious weed populations which result from their livestock grazing operation.
- 3. Feeding of supplements such as salt, minerals, vitamins, or protein block is permitted on BLM administered lands. Supplements shall be placed at least one-quarter (1/4) of a mile from sources of water. Feeding of dry matter (hay) is not permitted on BLM administered lands.
- 4. This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources and 2. is subject to (A) modification, suspension, or cancellation as required by land use plans and applicable law; (B) annual review and to modification of terms and conditions, as appropriate; and the Taylor Grazing Act, as amended, the Federal Land Policy Management Act, as amended, the Public Rangeland Improvement Act, and the rules and regulations now or hereafter promulgated there under by the Secretary of the Interior.
- 5. Routine maintenance of range improvement is the responsibility of the permittee. Any soil disturbing activity must be revegetated with certified seed.
- 6. The permittee is responsible for informing all persons who are associated with the allotment operations that they would be subject to prosecution for knowingly disturbing historic or archeological sites, or for collecting artifacts.
- 7. If historic or archeological materials are uncovered during any allotment activities and grazing activities, the permittee is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer. Within five working days, the authorized officer would inform the permittee whether the materials appear eligible for the National Register of Historic Places and the

- mitigation measures the operator would likely have to undertake before the identified area can be used for grazing activities again.
- 8. Pursuant to 43 CFR 10.4(g) the holder of this authorization must immediately notify the authorized officer, by telephone, with written communication, upon discovery of human remains, funerary items, or sacred objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d) the permittees must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- 9. If paleontological materials (fossils) are discovered during allotment activities, the permittee is to immediately stop activities that might further disturb such materials and contact the authorized officer. The permittee and the authorized officer would consult and determine the best option for avoiding or mitigating the paleontological site.
- 10. It is the responsibility of the livestock grazing permittee to control their livestock and keep them from trespassing on non-permitted public lands, even if the permitted BLM administered land is not fenced.
- 11. The permittee shall provide the BLM with reasonable administrative access across private and leased lands for the orderly management and protection of the public lands.

Flexibility in Operations (Adaptive Management):

The BLM may modify pasture use dates and allowable forage removal specified by the grazing schedule to adapt to variability in resource conditions. Conditions that may require adaptive management and changes to the grazing schedule in any one year, may include but are not limited to: variations in seasonal weather patterns, drought, fire, and weed infestations. If modifications are agreed to by the BLM and the permittee, deviations from the grazing schedule would be documented on the grazing application and approved by the BLM. Any approved deviations from the grazing schedule would be within the permit terms and conditions as per 43 CFR 4130.4(b).

Under the proposed action, the goals and objectives for these renewals are:

- Manage livestock grazing to meet the requirements of the desirable perennial vegetation; and
- Manage livestock grazing on public lands to promote healthy sustainable rangeland ecosystems and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy rangelands (43 CFR 4100.0-2).

Compliance for the grazing permit and its associated terms and conditions would be accomplished through the BLM KFO Range Management Program. The KFO staff would use a Range Monitoring Plan to schedule periodic utilization checks, collect trend data, and evaluate the allotment. Evaluation of monitoring data would be used to make appropriate changes to the grazing permit to protect land health.

No Grazing Alternative

Under the No Grazing Alternative, grazing would be discontinued on all allotments within permits #0501761 for Loban-Hackleman-Olson, #0501742 for Kay Blanton-Huffman, and #0500034 for Silver Spur Operating Company, LLC.

The KRMP has identified the land within the allotments as available for livestock grazing; a decision to implement a No Grazing Alternative would not be consistent with the KRMP. Under 43 CFR 1610.5-3, all actions approved or authorized by the BLM must conform to the existing land use plan. Actions out of conformance with the KRMP would require a land use plan amendment which is outside the scope of this EA.

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

No Action Alternative:

The Council on Environmental Quality (CEQ) has indicated that the "No Action" alternative for permit renewals is the continuation of the current "terms and conditions." Their rationale is that this is the best alternative for analysis of current resource conditions, since in most cases, the land at issue has been grazed for many years, permittees already have a preference and, in the majority of the cases are applying to continue such use.

For the purpose of this EA, the No Action and the Proposed Action are the same and therefore, this EA will analyze the Proposed Action and a No Grazing Alternative.

AFFECTED RESOURCES

This section provides a description of the human and natural environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the actions under the Proposed Action and other alternatives analyzed.

The CEQ Regulations state that NEPA documents "must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail" (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an environmental assessment (EA). Issues will be analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts. Table 2 lists the resources considered and the determination as to whether they require additional analysis.

Table 2. Resources and Determination of Need for Further Analysis

(NP) = Not Present

(NI) = Resource/Use Present but Not Impacted

(**PI**) = Potentially Impacted and Brought Forward for Analysis.

¹ NP = Not present in the area impacted by the Proposed Action or Alternatives. NI = Present, but not affected to a degree that detailed analysis is required. PI = Present with potential for impact analyzed in detail in the EA.

* Public Land Health Standard

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	NA	12/19/2010	BBW	Past actions have resulted in a cultural resource inventory to determine if those actions would cause potential adverse effects to known and unknown cultural resources sites from livestock grazing, motorized travel, and recreational use. When project undertakings are identified, a cultural resource inventory would be conducted to determine if sites are present and their eligibility, project effects, and mitigation requirements as necessary.
Native American	5/25/2010	12/19/2010	BBW	Tribal consultation was initiated on April 4, 2008. To date no tribe has identified any area of Traditional Cultural concern. All Section 106 undertakings would initiate additional Native American Tribal consultation to identify any potential effects to traditional spiritual places.
T&E Species/FWS	N/A	N/A	MM	
Permits Needed (i.e. Air or Water)	N/A	N/A	PB	

(NP) = Not Present (NI) = Resource/Use Present but Not Impacted (PI) = Potentially Impacted and Brought Forward for Analysis.

NP	Discipline/Name		Date	Initia	Review Comments (required for Critical
NI			Review	ls	Element NIs, and for elements that require a
PI			Comp.		finding but are not carried forward for
					analysis.)
			CRITICAL	ELEME	NTS
NI	Air Quality Belcher		Ambient Air Q		North Park's air quality is meeting the National Ambient Air Quality standards. Renewal of the permits will not affect air quality.
NP	Areas of Critical Environmen	ıtal	12/17/10	MM	There are no Areas of Critical Environmental
	Concern M	cGuire			Concern in the proximity of the proposed project area.
NI	Cultural Resources W	yatt	12/19/10	BBW	Past actions have resulted in a cultural resource inventory to determine if those actions would cause potential adverse effects to known and unknown cultural resources sites from livestock grazing, motorized travel, and recreational use. When project undertakings are identified, a cultural resource inventory would be conducted to determine if sites are present and their eligibility, project effects, and mitigation requirements as necessary.
NP	Environmental Justice Ca	assel	2/1/11	SC	According to the most recent Economic Census Bureau statistics (2009), there are minority and low income communities within the Kremmling Planning Area. There would be no direct impacts to these populations.

NP	Farmlands,	2/11/11	`PB	There are no farmlands, prime or unique, in the
111	Prime and Unique Belcher	2/11/11	1 1	proximity of the proposed project area. Within
	Finne and omque			the permits are private lands that are farmlands
				of local importance. Renewal of the permits
				does not affect these farmlands.
NI	Floodplains Belcher	2/11/11	PB	Allotment 7101 has a small portion of the
111	r roodplams Beiener	2/11/11	1 1	Michigan River floodplain on public lands.
				The renewal of the grazing permit does not
				affect the floodplain's functionality and does
				not increase flood hazards.
PI	Invasive,	1/13/11	ZH	See analysis in this EA
11	Non-native Species	1/13/11	211	See analysis in this LA
	Hughes			
NI	Migratory Birds McGuire	12/17/10	MM	There are no known issues or concerns in the
111	Wigiatory Birds	12/17/10	141141	allotments. Since there are no changes
				proposed to the existing permit, impacts would
				not occur.
NI	Native American Wyatt	12/19/10	BBW	Tribal consultation was initiated on April 4,
111	Religious Concerns	12/17/10	א מט	2008. To date no tribe has identified any area
	Religious Concerns			of Traditional Cultural concern. All Section
				106 undertakings would initiate additional
				Native American Tribal consultation to identify
				any potential effects to traditional spiritual
				places.
NI	T/E, and Sensitive Species	12/17/10	MM	There are no known issues or concerns in the
111		12/17/10	IVIIVI	
	(Finding on Standard 4) McGuire			allotments. Since there are no changes proposed to the existing permit, impacts would
				not occur.
NP	Wastes, Hazardous Elliott	1/31/11	KE	There are no quantities of wastes, hazardous or
INI	and Solid	1/31/11	KL	solid, located on BLM-administered lands in
	and Solid			the proposed project area, and there would be
				no wastes generated as a result of the Proposed
				Action or No Action alternative.
NI	Water Quality, Surface and Ground	2/11/11	PB	None of the allotments include or impact
111	(Finding on Standard 5) Belcher	2/11/11	1 D	impaired streams and there are no identified
	(I maing on Standard 3) Belence			surface or ground water concerns. Renewing
				the permits will not impact water quality.
NI	Wetlands & Riparian Zones	2/11/11	PB	Allotment 7102 does not have any identified
111	(Finding on Standard 2) Belcher	2/11/11	1.5	wetlands or riparian zones on public lands. The
	(Tinding on Standard 2)			entire allotment is under a grazing plan
				developed by the NRCS. Allotments 7101,
				7021, and 7077 contain palustrine and lacustrine
				acreage on public lands, some natural and some
				man made. There are no identified resource
				concerns and renewing the permits will
				continue present resource conditions.
NP	Wild and Scenic Rivers Schechter	11/24/10	HS	There are no eligible Wild and Scenic River
.=		"-"		segments in the proposed project area.
NP	Wilderness Monkouski	1/31/11	JJM	There is no designated Wilderness or
]		Wilderness Study Areas in the proximity of the
				proposed project area.
	NON-CRITICAL ELEM	MENTS (A f	inding mu	ust be made for these elements)
NI	Soils (Finding on Standard 1)	2/11/11	PB	There are no known areas of accelerated
	Belcher			erosion or soil concerns. Renewal of the
				permits will continue present conditions.
	•	•		*

PI	Vegetation (Finding on Standard 3) Tibbs	11/15/2010	RJ	See analysis in this EA.
NI	Wildlife, Aquatic (Finding on Standard 3) McGuire	12/17/10	MM	There are no known issues or concerns in the allotments. Since there are no changes proposed to the existing permit, impacts would not occur.
NI	Wildlife, Terrestrial (Finding on Standard 3) McGuire	12/17/10	MM	There are no known issues or concerns in the allotments. Since there are no changes proposed to the existing permit, impacts would not occur.
		R NON-CRI		
NI	Access/Transportation Monkouski	1/31/11	JJM	The current designation is "Open" for Off Highway Vehicle use and there are no restrictions for mechanized or non-motorized travel in the area. No change in access. No Impacts.
NP	Forest Management K. Belcher	12/02/2010	KB	Forest resources not present.
NI	Geology and Minerals Elliott	1/31/11	KE	Implementation of the Proposed Action would have no impacts on geologic or mineral resources.
NI	Fire Wyatt	12/19/10	BBW	Grazing would reduce light flashy fuels. Cattle trails that result in the trampling and removal of vegetation would create potential fuel breaks.
NI	Hydrology/Water Rights Belcher	2/11/11	PB	There are no identified hydrologic concerns on the allotments and renewal of the permits will not impact private or public water rights.
NI	Paleontology Rupp	11/15/2010	FGR	Environmental Consequences/Mitigation: There would be no impacts to Paleontological resources from renewing the grazing permit. Ground disturbing projects or undertakings will be reviewed to determine the need for Paleontological inventory.
NI	Noise Monkouski	1/31/11	JJM	Under the proposed action there are no impacts.
NI	Range Management Tibbs	11/14/2010	RJ	Since there would be no changes to the number or kind of livestock, season of use, or amount of authorized livestock grazing preference, there would be no impact on the range management.
NI	Lands/ Realty Authorizations Sperandio	1/21/11	AS	There are three power line ROWs, one for Mt. Parks (COC-8482), two for WAPA (COC-12349, COC-22720), three telephone line ROWs for Century Tel (COC-9596, COC-56807, COC-4444), and one pipeline ROW for the Town of Walden. There is an R&PP lease to the Division of Wildlife on a portion of Allotment No 710. No impacts would occur in the proposed project area.
NI	Recreation Monkouski	1/31/11	JJM	Existing recreational uses in the general area include hunting, hiking, horseback riding, wildlife viewing; snowmobiling and driving for pleasure. There are no BLM recreation activity plans or other BLM special recreation designations for this area. A portion of Allotment 07101 is within the Cowdrey Lake

NI	Socio-Economics	Cassel	1/31/11	SC	State Wildlife Area that is managed by the CDOW under a Recreation and Public Purposes Act Lease. No impacts would occur within the proposed project area. There would be no impact to the socio economics because there would be no changes to the number or kind of livestock, season of
					use, or amount of authorized grazing preference in the proposed action or the No Action alternative.
NI	Visual Resources	Elliott	1/31/11	KE	Visual resources would not be impacted by the proposed action.
			FINAL I	REVIEW	7
	P&E Coordinator	Cassel			

BIOLOGICAL RESOURCES

Vegetation (grasslands, forest management) (includes a finding on Standard 3) Current conditions:

All of the allotments are dominated by sagebrush steppe vegetation. Big sagebrush (*Artemisia tridentata*) is the dominant species with scattered shrubs such as rabbit brush (*Chrysothamnus* spp), serviceberry (*Amelanchier alnifolia*), and snowberry (*Symphoricarpos* spp) present. The understory consists mainly of cool, season native perennial grasses including bluegrasses (*Poa* spp), pine needle grass (*Stipa pinetorum*), western wheatgrass (*Pascopyrum smithii*). Forbs vary in density and vigor from year to year depending on precipitation amounts and timing. Common forbs found within these allotments include buckwheat (*Eriogonum* spp), phlox (*Phlox* spp), mat penstemon (*Penstemon caespitosus*), snakeweed (*Gutierrezia sarothrae*), pussytoes (*Antennaria* spp), and groundsels (*Senecio* spp).

Since there are no known issues or concerns on any of these allotments and they contain small amounts of BLM administered public land, these allotments have not been assessed for compliance with the Standards for Public Land Health in Colorado.

No Grazing

Direct and Indirect Effects:

Absence of livestock grazing would favor plant growth and reproduction requirements in both, forbs and cool season grasses in the short term. Depending on annual precipitation, vegetation would be allowed to grow unrestricted to full potential, therefore aid in the development of above ground biomass to protect soils and provide desirable perennial cover for wildlife; to contribute to litter cover; and to continue to develop root masses which would lend itself to improved vigor and reproduction.

Without the stimulation of grazing, plant vigor and production would level off and stagnate on most soils in the long term.

Fences would need to be constructed to exclude livestock from public lands. Impacts common to construction and maintenance of fences include construction of roads and trails. Livestock trailing along the fences could impact private and state lands, assuming ranchers continue to graze livestock on their lands.

Proposed Action

Direct and Indirect Effects:

The prescribed grazing under this alternative would likely maintain or improve the upland rangeland health conditions in all allotments. Portions of the annual forage production would continue to be removed by grazing livestock and the decrease of herbaceous surface cover could negatively affect soil and water resources. However, rangeland vegetation inventory and monitoring data indicates an adequate amount of forage is available to continue to support or improve rangeland health.

Cumulative Effects (combined for both Alternatives):

The lands involved in the application have historically been used for livestock grazing, and wildlife habitat. The incremental impacts identified within both Alternatives, when added to other past, present, and reasonably foreseeable future actions would not significantly contribute to any Cumulative Impacts. Grazing under the proposed permit renewal would aid in either making progress toward achievement or maintaining achievement of the Rangeland Health Standards, with the understanding that adjustments to grazing management would occur when any of the Standards are not being achieved. No cumulative impacts of concern are anticipated as a result of the proposed action in combination with any other existing or planned activity.

LAND RESOURCES

Range Management

Current Conditions:

Allotments 07101, 07102, 07077, and 07021 have a category "C" (Custodial) rating due to their small size, and small percentage of BLM-administered public land. Because of the category "C" rating, they were not assessed for Land Health Standards. However, allotment field inspections found no issues or environmental concerns with these allotments.

No Grazing

Direct and Indirect Effects:

Under Alternative 2, the expired livestock grazing permit would not be renewed and grazing on public lands would be unauthorized. Denying the renewal of this grazing permit would not be in conformance with the Kremmling Field Office (RMP) and would require an RMP revision to remove the grazing preference from the KFO RMP grazing base. There are no fences or natural barriers separating the BLM and non-BLM administered lands. It would not be practical or cost effective to fence out the public lands at this time. This alternative would affect how the adjacent private lands are grazed since the operator would have to keep livestock off of public lands either through herding or fencing, or be in violation of federal grazing regulations. Herding would be unpractical and difficult, due to the mixed ownership pattern and still would not assure public lands would not be grazed.

Proposed Action

Direct and Indirect Effects:

The monitoring data and stocking rate stated previously indicates there is an adequate amount of forage available to support the permitted number of livestock. The new grazing lease would authorize the same numbers and kind of livestock, and season of use as the existing lease. No changes to grazing management are proposed with this lease renewal; therefore, it is not expected to have any new effects on range management. Impacts would not be significant.

Cumulative Effects (combined for both alternatives):

The lands involved in the application have historically been used for livestock grazing, and wildlife habitat. The incremental impacts identified within both Alternatives, when added to other past, present, and reasonably foreseeable future actions would not significantly contribute to any Cumulative Impacts. Grazing under the proposed permit renewal would aid in either making progress toward achievement or maintaining achievement of the Rangeland Health Standards, with the understanding that adjustments to grazing management would occur when any of the Standards are not being achieved.

CUMULATIVE EFFECTS SUMMARY

Geographic Scope of the Cumulative Impacts:

For the purpose of this EA, the general geographic boundaries for cumulative impact analysis are Allotment 07101 (Cowdrey Lake), Allotment 07102 (Buffmeyer Draw), Allotment 07021 (Brands), and 07077 (W BLM & Trailer Pasture). Allotment 07101 is located within the Michigan River drainage, Allotment 07102 is located within the Canadian River drainage, Allotment 07021is located within the North Fork of the North Platte River drainage, and Allotment 07077 is located within the Illinois River drainage. All of the allotments are part of the North Platte River Watershed in North Park, Colorado.

"Cumulative Effects" are those effects resulting from the incremental effect of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions. Cumulative Effects are tiered to those described and analyzed in the Kremmling Resource Management Plan (KRMP) updated in 1999, and with the land use plan as required by 43 CFR 1610.5-3(a). The KRMP analyzed the impacts of grazing.

Cumulative effects occur when additional management facilities are added to those already present. Grazing plans are intended to meet specific objectives to the plan area and involve rangeland improvements that are designed to maintain or improve wildlife habitat, watershed, and overall resource conditions, thus improving ecosystem health.

Livestock grazing in the region has evolved and changed considerably since it began in the 1860s, and is one factor that has created the current environment. At the turn of the century, large herds of livestock grazed on unreserved public domain in uncontrolled open range. Eventually, the range was stocked beyond its capacity, causing changes in plant, soil and water relationships. Some speculate that the changes were permanent and irreversible, turning plant communities from grass and herbaceous species to brush and trees. Protective vegetative cover was reduced, and more runoff brought erosion, rills and gullies.

In response to these problems, livestock grazing reform began in 1934, with the passage of the Taylor Grazing Act. Subsequent laws, regulations, and policy changes have resulted in adjustments in livestock numbers, season-of-use changes, and other management changes.

Given the past experiences with livestock impacts on public land resources, as well as the cumulative effects that could occur on the larger ecosystem from grazing on various public and private lands in the area, management of livestock grazing is an important factor in ensuring the protection of public land resources. Past, present, and reasonably foreseeable actions within the analysis area would continue to influence range resources, watershed conditions and trends. The impact of vegetation treatments, voluntary livestock reductions during dry periods, and implementation of a grazing system have improved range conditions. The net result has been greater species diversity, improved plant vigor, and increased ground cover from grasses and forbs.

The effects of livestock grazing on resources in the allotments identified in this EA have been analyzed under the "Direct and Indirect Impacts" sections for each resource impacted.

LIST OF PREPARERS AND PARTICIPANTS

INTERDISCIPLINARY REVIEW

INTERDISCIPL			
NAME	TITLE	AREA OF RESPONSIBILITY	DATE
Neilie Tibbs	Range Management Specialist, Project Lead	Vegetation, Range	03/04/2012
Zach Hughes	Natural Resource Specialist	Weed Coordinator, Invasive, Non-Native Species	04/02/12
Bill Wyatt Frank Rupp	Archaeologist	Cultural Resources; Native American Religious Concerns; Paleontological Resources	04/03/2012
John Monkouski	Recreation	Transportation, Recreation, Access, Wilderness, Wilderness Noise	02/24/2012
Anne Sperandio	Realty Specialist	Land Tenure/Status, Realty Authorizations	03/06/2012
Megan Mcguire	Wildlife Biologist	Areas of Critical Environmental Concern; Special Status Plant and Animal Species; Migratory Birds; Terrestrial and Aquatic Wildlife	03/30/2012
Paula Belcher	Hydrologist	Air Quality; Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights; Soils, Farmlands, Prime and Unique	04/04/2012
Kelly Elliot	Natural Resource Specialist	Wastes, Hazardous and Solid, Geology and Minerals, Visual Resources	03/06/2012
Susan Cassel	Associate FO Manager	Environmental Justice, Social Economics, P&E Coordinator	03/30/2012
Ken Belcher	Forester	Forestry, Vegetation	04/02/2012

TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED

Colorado Commissioner of Indian Affairs

Attn: Ernest House, Jr., Exec. Sec.

130 State Capitol

Denver, Colorado 80203

Neil Cloud, NAGPRA Rep.

Southern Ute Indian Tribe

Mail Stop #73

Ignacio, Colorado 81137

Terry Knight, Sr., THPO Director

Ute Mountain Ute Tribe

P O Box 468

Towaoc, Colorado 81334

Harvey Spoonhunter, Chairman

Northern Arapaho Business Council

P O Box 396

Fort Washakie, Wyoming 82514

Ivan Posey, Chairman

Shoshone Tribe

P O Box 538

Fort Washakie, Wyoming 82514

Curtis Cesspooch, Chairman

Uintah & Ouray Tribal Business Center

P O Box 190

Fort Duchesne, Utah 84026

Matthew Box, Chairman

Southern Ute Indian Tribe

P O Box 737

Ignacio, Colorado 81137

Gary Hayes, Chairman

Ute Mountain Ute Tribe

P O Box 189

Towaoc, Colorado 81334

Robert Goggles, NAGPRA Rep.

Northern Arapaho Tribe

328 Seventeen Mile Road

Arapaho, Wyoming 82510

Wilford Ferris

Shoshone Tribe, Cultural Center

P O Box 538

Fort Washakie, Wyoming 82514

Darlene Conrad, THPO Director

Northern Arapaho Tribe

P O Box 396

Fort Washakie, Wyoming 82514

Betsy Chapoose, Director

Uintah & Ouray Tribal Business

Council

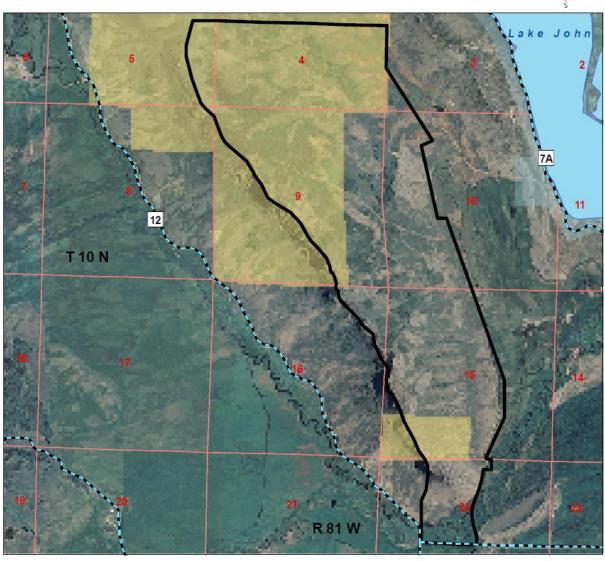
P O Box 190

Fort Duchesne, Utah 84026



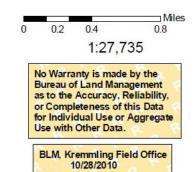
Allotment 07021 Brands







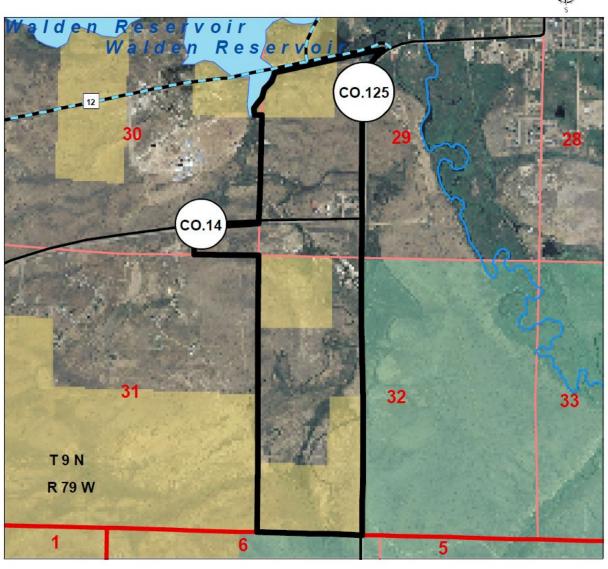


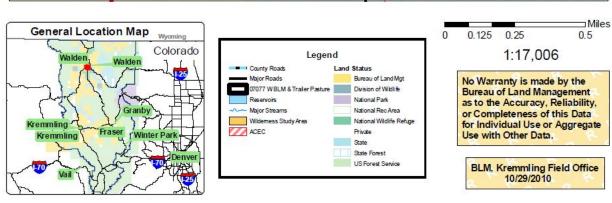




Allotment 07077 W BLM & Trailer Pasture



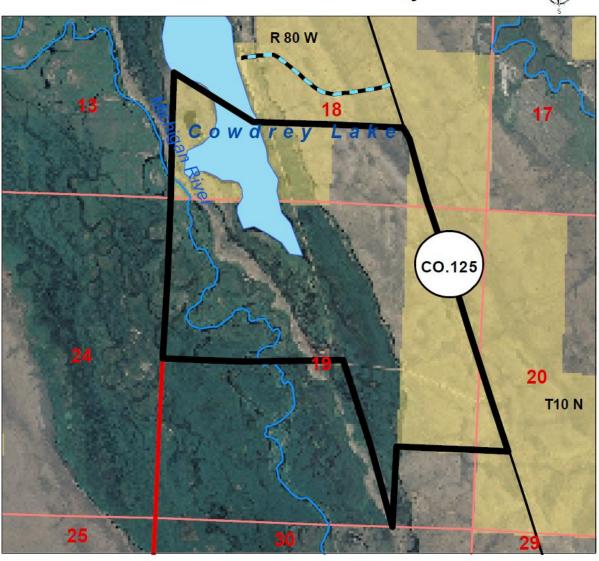


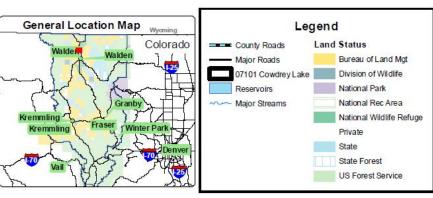




Allotment 07101 Cowdrey Lake









1:15,052

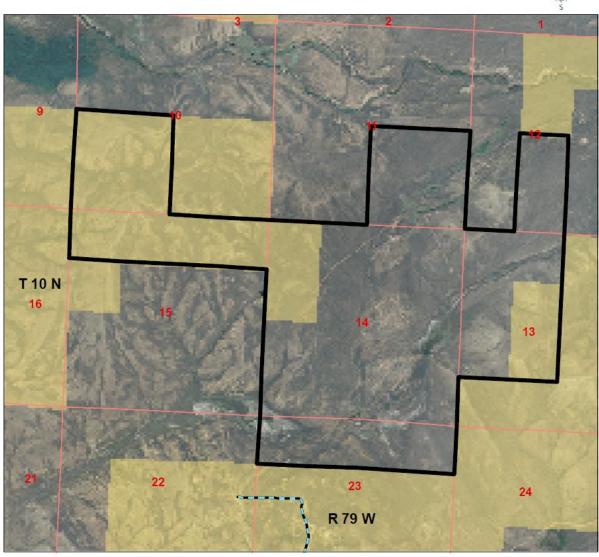
No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data.

BLM, Kremmling Field Office 10/28/2010



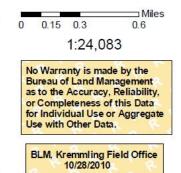
Allotment 07102 Buffmeyer Draw











UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT KREMMLING FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Grazing Permit #0501761 for Loban-Hackleman-Olson DOI-BLM-CO-LLCON02000-2012-024-EA

Based on the analysis of potential environmental impacts contained in the attached environmental assessment (EA), and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

BACKGROUND

The Bureau of Land Management (BLM) Kremmling Feld Office is proposing to issue a grazing permit renewal for the 07101 (Cowdrey Lake) and 07102 (Buffmeyer Draw) allotments.

The Bureau of Land Management prepared an Environmental Assessment which analyzed the effects of the re-authorization of Grazing Permit #0501761 to determine impacts and mitigation required to continue to allow grazing on public lands in a responsible manner that is compatible with the Standards for Public Land Health, other resource uses and objectives, and in compliance with the grazing regulations under 43 CFR 4110.1(a)(1). In order to graze livestock on public land, the livestock permittee must hold a valid grazing permit.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Grazing Permit #0501761 Renewal for Silver Spur Land & Cattle, LLC. decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Impacts that may be both beneficial and adverse.

This project may have minor short term impacts to soils, vegetation, and wildlife; however these impacts are not significant. No changes to the number or kind of livestock, season of use, or amount of authorized grazing preference as expressed in AUMs are disclosed in the EA.

2. The degree to which the proposed action affects public health and safety.

The proposed action is not expected to impact public health and safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no significant impacts to riparian vegetation, parklands, prime farmlands, wetlands, historic, cultural, or wild and scenic rivers within the project area. There are no municipal water supplies in the project area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects of the proposed action on the quality of the human environment are not considered highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects on the human environment from the proposed action are not uncertain and do not involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action would not establish a precedent for the future nor does it represent a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The proposed action is not related to other past, present or reasonable foreseeable actions likely to result in any significant impacts. The cumulative impacts of other grazing permit renewal activities and any other reasonable foreseeable activities in the same area are not likely to result in cumulatively significant impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The ground-disturbing activities associated with the proposed action would not directly adversely affect any sites eligible for the National Register of Historic Places.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The project would not adversely affect any sensitive, threatened, endangered species or those proposed for listing.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not violate Federal, State, and local laws or requirements for the protection of the environment.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: 1) the implementation of the Proposed Action or alternatives would not have significant environmental impacts beyond those already addressed in the "Record of Decision for the Kremmling Resource Management Plan," updated in 1999; (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major Federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

/s/Dorothea Boothe Dorothea Boothe Acting Field Manager Kremmling Field Office

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT KREMMLING FIELD OFFICE

DECISION RECORD

Grazing Permit #0501761 for Loban-Hackleman-Olson

DOI-BLM-CO-LLCON02000-2012-024-EA

DECISION:

It is my proposed decision to implement the Proposed Action of Environmental Assessment DOI-BLM-LLCON02000-2012-024-EA, which is to issue the grazing permit for #0501761 for Loban-Hackleman-Olson that authorizes livestock grazing on Allotments 07101 (Cowdrey Lake) and 07102 (Buffmeyer Draw) for a period of 10 years. The permit will be issued for the same livestock numbers and season of use that are currently permitted. The permit will include the following terms and conditions, management guidelines, goals, objectives, and monitoring and evaluation requirements. The Proposed Action has been reviewed for consistency and conformance with the land use plan and compliance with the National Environmental Policy Act. A copy of the DOI-BLM-LLCON02000-2012-024-EA is attached.

The renewed permit would authorize livestock grazing to the following extent:

Permit	Allotment	Num	estock: ber and Kind	Season of Use	% Public Land	Permitted AUMs*
0501761	07101 Cowdrey	125	Cattle	04/01 -	6	15
	Lake	45	Cattle	5/31	6	7
		125	Cattle	06/01 -	6	15
				08/15		
				08/16 -		
				10/15		
"	07102 Buffmeyer	40	Cattle	05/16 -	30	48
	Draw			09/15		

^{*} AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

Terms and Conditions of the Proposed Action are:

- 1. Grazing use in the Allotments will be in compliance with the decision date.
- 2. The permittee is responsible for notifying the BLM of all county listed noxious weed populations which result from their livestock grazing operation.
- 3. Feeding of supplements such as salt, minerals, vitamins, or protein block is permitted on BLM lands. Supplements shall be placed at least one-quarter (1/4) of a mile from sources of water. Feeding of dry matter (hay) is not permitted on BLM lands.

- 4. This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources; and 2. is subject to (A) modification, suspension, or cancellation as required by land use plans and applicable law; and (B) annual review and to modification of terms and conditions, as appropriate; and the Taylor Grazing Act, as amended, the Federal Land Policy Management Act, as amended, the Public Rangeland Improvement Act, and the rules and regulations now or hereafter promulgated there under by the Secretary of the Interior.
- 5. Routine maintenance of range improvement is the responsibility of the permittee. Any soil disturbing activity must be revegetated with certified seed.
- 6. The permittee is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archeological sites, or for collecting artifacts.
- 7. If historic or archeological materials are uncovered during any allotment activities and grazing activities, the permittee is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer. Within five working days, the authorized officer will inform the permittee whether the materials appear eligible for the National Register of Historic Places and the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.
- 8. Pursuant to 43 CFR 10.4(g) the holder of this authorization must immediately notify the authorized officer, by telephone, with written communication, upon discovery of human remains, funerary items, or sacred objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d) the permittees must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- 9. If paleontological materials (fossils) are discovered during allotment activities, the permittee is to immediately stop activities that might further disturb such materials and contact the authorized officer. The permittee and the authorized officer will consult and determine the best option for avoiding or mitigating the paleontological site.
- 10. It is the responsibility of the livestock grazing permittee to control their livestock and keep them from trespassing on non-permitted public lands, even if the permitted BLM land is not fenced.
- 11. The permittee shall provide the Bureau of Land Management with reasonable administrative access across private and leased lands for the orderly management and protection of the public lands.

Under the proposed action, the goals and objectives for these renewals are:

- Manage livestock grazing to meet the requirements of the desirable perennial vegetation.
- Manage livestock grazing on public lands to promote healthy sustainable rangeland ecosystems and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy rangelands (43 CFR 4100.0-2)

Compliance for the grazing permit and its associated terms and conditions will be accomplished through the Kremmling Field Office Range Management Program. The Kremmling Field Office Range Monitoring Plan will be used to schedule periodic utilization checks, collect trend data,

and evaluate the allotment. Evaluation of monitoring data would be used to make appropriate changes to the grazing permit to protect land health.

RATIONALE:

Approving permit renewals has been delegated by the Secretary of the Interior to the local Authorized Officer. Renewal of this permit would allow the current permittee to continue to graze on their designated allotments for a period of 10 years.

It was determined in the Kremmling Resource Management Plan (RMP) updated in 1999 that livestock grazing is an integral part of the economic and social structure of the counties in the planning area. Not renewing this permit is not considered a viable alternative in the RMP.

MITIGATION MEASURES\MONITORING:

The monitoring program would include appropriate consultation, cooperation and coordination with the rangeland users, other agencies, and interested publics. Close coordination between the permittee or their representatives, the Colorado Parks and Wildlife, and the BLM of all livestock related field monitoring is essential to determine conformity with the terms and conditions of the permits.

Sufficient monitoring data would be collected to determine if management actions are: 1) contributing to the achievement of allotment objectives: and 2) achieving or making significant progress toward achieving the Standards for Public Land Health in Colorado and Guidelines for Livestock Grazing Management.

The intensity and frequency of additional monitoring done on the allotment would be dependent on annual funding allocations and work priorities established for the Kremmling Field Office. Monitoring priorities for the allotment would be determined annually. Guidance provided in BLM Technical References and BLM Manuals would be the basis for monitoring or inventory conducted on the allotment.

Monitoring would include both short-term and long-term studies. Short-term monitoring would include compliance monitoring, actual use data, range readiness when necessary through a joint field inspection with the BLM and the permittee, utilization studies on riparian areas and uplands and collection of climate and soil moisture data. Long-term monitoring would document and measure trends toward or achievement of objectives over a period of years.

Evaluations may be conducted anytime during the implementation of this permit if monitoring data or other data support changes to the allotment objectives, management actions or annual permitted use.

Authorization:

§ 4100.0-3 Authority.

(a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r);

- (b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*);
- (c) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); and
- (d) Public Land Orders, Executive Orders, and Agreements that authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified.

PROTEST/APPEALS:

Any applicant, permittee, lessee or other affected interest may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459 within 15 days of the Notice of Proposed Decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the Proposed Decision is in error.

In accordance with 43 CFR 4160.3 (a), *in the absence of a protest*, this Proposed Decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3 (b) *upon a timely filing of a protest*, after a review of protests and statement of reasons received and other information pertinent to the case, the Authorized Officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the Proposed Decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471. The appeal and petition for a stay must be filed with the Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459.

The person/party must also serve a copy of the appeal with the Office of the Regional Solicitor, U.S. Department of the Interior, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215, and any person sent a copy of this decision (see cc list following the signature line) [43 CFR 4.421(h)]. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the Authorized Officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division, Office of Hearings and Appeals, Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition 43 CFR 4.472 (b). Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision [43 CFR 4.472(b)].

If you have no concerns with the grazing permit as offered, please sign, date, and return it at your earliest convenience. If you have any questions, please feel free to contact Neilie Tibbs at (970)724-3000 or stop by our office in Kremmling. Thank you for your continuing cooperation.

NAME OF PREPARER: Neilie Tibbs

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

DATE: 03/28/2012

SIGNATURE OF AUTHORIZED OFFICIAL: Dorothea Boothe

__/s/ Dorothea Boothe____ Kremmling Acting Field Manager

<u>DATE SIGNED</u>: 6/21/2012

ATTACHMENTS:

DOI-BLM-LLCON02000-2012-023-EA

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT KREMMLING FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Grazing Permit #0501742 for Kay Blanton-Huffman DOI-BLM-CO-LLCON02000-2012-024-EA

Based on the analysis of potential environmental impacts contained in the attached environmental assessment (EA), and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

BACKGROUND

The Bureau of Land Management (BLM) Kremmling Feld Office is proposing to issue a grazing permit renewal for the 07077 (W. BLM & Trailer Pasture) allotment.

The Bureau of Land Management prepared an Environmental Assessment which analyzed the effects of the re-authorization of Grazing Permit #0501742 to determine impacts and mitigation required to continue to allow grazing on public lands in a responsible manner that is compatible with the Standards for Public Land Health, other resource uses and objectives, and in compliance with the grazing regulations under 43 CFR 4110.1(a)(1). In order to graze livestock on public land, the livestock permittee must hold a valid grazing permit.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Grazing Permit #0501742 Renewal for Kay Blanton-Huffman decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Impacts that may be both beneficial and adverse.

This project may have minor short term impacts to soils, vegetation, and wildlife; however these impacts are not significant. No changes to the number or kind of livestock, season of use, or amount of authorized grazing preference as expressed in AUMs are disclosed in the EA.

- 2. The degree to which the proposed action affects public health and safety. The proposed action is not expected to impact public health and safety.
- 3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no significant impacts to riparian vegetation, parklands, prime farmlands, wetlands, historic, cultural, or wild and scenic rivers within the project area. There are no municipal water supplies in the project area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects of the proposed action on the quality of the human environment are not considered highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects on the human environment from the proposed action are not uncertain and do not involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action would not establish a precedent for the future nor does it represent a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The proposed action is not related to other past, present or reasonable foreseeable actions likely to result in any significant impacts. The cumulative impacts of other grazing permit renewal activities and any other reasonable foreseeable activities in the same area are not likely to result in cumulatively significant impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The ground-disturbing activities associated with the proposed action would not directly adversely affect any sites eligible for the National Register of Historic Places.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The project would not adversely affect any sensitive, threatened, endangered species or those proposed for listing.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not violate Federal, State, and local laws or requirements for the protection of the environment.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: 1) the implementation of the Proposed Action or alternatives would not have significant environmental impacts beyond those already addressed in the "Record of Decision for the Kremmling Resource Management Plan," updated in 1999; (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major Federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

/s/ Dorothea Boothe Dorothea Boothe Acting Field Manager Kremmling Field Office

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT KREMMLING FIELD OFFICE

DECISION RECORD

Grazing Permit #0501742 for Kay Blanton-Huffman

DOI-BLM-CO-LLCON02000-2012-024-EA

DECISION:

It is my proposed decision to implement the Proposed Action of Environmental Assessment DOI-BLM-LLCON02000-2012-024-EA, which is to issue the grazing permit for #0501742 for Kay Blanton-Huffman that authorizes livestock grazing on Allotment 07077 (W. BLM & Trailer Pasture) for a period of 10 years. The permit will be issued for the same livestock numbers and season of use that are currently permitted. The permit will include the following terms and conditions, management guidelines, goals, objectives, and monitoring and evaluation requirements. The Proposed Action has been reviewed for consistency and conformance with the land use plan and compliance with the National Environmental Policy Act. A copy of the DOI-BLM-LLCON02000-2012-024-EA is attached.

The renewed permit would authorize livestock grazing to the following extent:

Permit	Allotment	Livestock: Number and Kind	Season of Use	% Public Land	Permitted AUMs*
0501742	07077 W BLM &	76 Cattle	06/07 –	45	43
	Trailer Pasture		07/14		

^{*} AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

Terms and Conditions of the Proposed Action are:

- 1. Grazing use in the Allotments will be in compliance with the decision date.
- 2. The permittee is responsible for notifying the BLM of all county listed noxious weed populations which result from their livestock grazing operation.
- 3. Feeding of supplements such as salt, minerals, vitamins, or protein block is permitted on BLM lands. Supplements shall be placed at least one-quarter (1/4) of a mile from sources of water. Feeding of dry matter (hay) is not permitted on BLM lands.
- 4. This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources; and 2. is subject to (A) modification, suspension, or cancellation as required by land use plans and applicable law; and (B) annual review and to modification of terms and conditions, as appropriate; and the Taylor Grazing Act, as amended, the Federal Land Policy Management Act, as amended, the Public Rangeland Improvement Act, and the rules and regulations now or hereafter promulgated there under by the Secretary of the Interior.

- 5. Routine maintenance of range improvement is the responsibility of the permittee. Any soil disturbing activity must be revegetated with certified seed.
- 6. The permittee is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archeological sites, or for collecting artifacts.
- 7. If historic or archeological materials are uncovered during any allotment activities and grazing activities, the permittee is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer. Within five working days, the authorized officer will inform the permittee whether the materials appear eligible for the National Register of Historic Places and the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.
- 8. Pursuant to 43 CFR 10.4(g) the holder of this authorization must immediately notify the authorized officer, by telephone, with written communication, upon discovery of human remains, funerary items, or sacred objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d) the permittees must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- 9. If paleontological materials (fossils) are discovered during allotment activities, the permittee is to immediately stop activities that might further disturb such materials and contact the authorized officer. The permittee and the authorized officer will consult and determine the best option for avoiding or mitigating the paleontological site.
- 10. It is the responsibility of the livestock grazing permittee to control their livestock and keep them from trespassing on non-permitted public lands, even if the permitted BLM land is not fenced.
- 11. The permittee shall provide the Bureau of Land Management with reasonable administrative access across private and leased lands for the orderly management and protection of the public lands.

Under the proposed action, the goals and objectives for these renewals are:

- Manage livestock grazing to meet the requirements of the desirable perennial vegetation.
- Manage livestock grazing on public lands to promote healthy sustainable rangeland ecosystems and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy rangelands (43 CFR 4100.0-2)

Compliance for the grazing permit and its associated terms and conditions will be accomplished through the Kremmling Field Office Range Management Program. The Kremmling Field Office Range Monitoring Plan will be used to schedule periodic utilization checks, collect trend data, and evaluate the allotment. Evaluation of monitoring data would be used to make appropriate changes to the grazing permit to protect land health.

RATIONALE:

Approving permit renewals has been delegated by the Secretary of the Interior to the local Authorized Officer. Renewal of this permit would allow the current permittee to continue to graze on their designated allotments for a period of 10 years.

It was determined in the Kremmling Resource Management Plan (RMP) updated in 1999 that livestock grazing is integral part of the economic and social structure of the counties in the planning area. Not renewing this permit is not considered a viable alternative in the RMP.

MITIGATION MEASURES\MONITORING:

The monitoring program would include appropriate consultation, cooperation and coordination with the rangeland users, other agencies, and interested publics. Close coordination between the permittee or their representatives, the Colorado Parks and Wildlife, and the BLM of all livestock related field monitoring is essential to determine conformity with the terms and conditions of the permits.

Sufficient monitoring data would be collected to determine if management actions are: 1) contributing to the achievement of allotment objectives; and 2) achieving or making significant progress toward achieving the Standards for Public Land Health in Colorado and Guidelines for Livestock Grazing Management.

The intensity and frequency of additional monitoring done on the allotment would be dependent on annual funding allocations and work priorities established for the Kremmling Field Office. Monitoring priorities for the allotment would be determined annually. Guidance provided in BLM Technical References and BLM Manuals would be the basis for monitoring or inventory conducted on the allotment.

Monitoring would include both short-term and long-term studies. Short-term monitoring would include compliance monitoring, actual use data, range readiness when necessary through a joint field inspection with the BLM and the permittee, utilization studies on riparian areas and uplands and collection of climate and soil moisture data. Long-term monitoring would document and measure trends toward or achievement of objectives over a period of years.

Evaluations may be conducted anytime during the implementation of this permit if monitoring data or other data support changes to the allotment objectives, management actions or annual permitted use.

Authorization:

§ 4100.0-3 Authority.

- (a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r);
- (b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*);
- (c) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); and

(d) Public land orders, Executive orders, and agreements that authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified.

PROTEST/APPEALS:

Any applicant, permittee, lessee or other affected interest may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459 within 15 days of the Notice of Proposed Decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the Proposed Decision is in error.

In accordance with 43 CFR 4160.3 (a), *in the absence of a protest*, this Proposed Decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3 (b) *upon a timely filing of a protest*, after a review of protests and statement of reasons received and other information pertinent to the case, the Authorized Officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the Proposed Decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471. The appeal and petition for a stay must be filed with the Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459.

The person/party must also serve a copy of the appeal with the Office of the Regional Solicitor, U.S. Department of the Interior, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215, and any person sent a copy of this decision (see cc list following the signature line) [43 CFR 4.421(h)]. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division, Office of Hearings and Appeals, Salt Lake City, Utah a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition 43 CFR 4.472 (b). Within 15 days after filing the motion to intervene and response, the

person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision [43 CFR 4.472(b)].

If you have no concerns with the grazing permit as offered, please sign, date, and return it at your earliest convenience. If you have any questions, please feel free to contact Neilie Tibbs at (970)724-3000 or stop by our office in Kremmling. Thank you for your continuing cooperation.

NAME OF PREPARER: Neilie Tibbs

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

<u>DATE</u>: 03/28/2012

SIGNATURE OF AUTHORIZED OFFICIAL: Dorothea Boothe

__/s/ Dorothea Boothe___ Kremmling Acting Field Manager

DATE SIGNED: 6/21/2012

<u>ATTACHMENTS:</u>

DOI-BLM-LLCON02000-2012-023-EA

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT KREMMLING FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Grazing Permit #0500034 for Silver Spur Operating Company, LLC DOI-BLM-CO-LLCON02000-2012-024-EA

Based on the analysis of potential environmental impacts contained in the attached environmental assessment (EA), and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

BACKGROUND

The Bureau of Land Management (BLM) Kremmling Feld Office is proposing to issue a grazing permit renewal for the 07077 (W. BLM & Trailer Pasture) allotment.

The Bureau of Land Management prepared an Environmental Assessment which analyzed the effects of the re-authorization of Grazing Permit #0500034 to determine impacts and mitigation required to continue to allow grazing on public lands in a responsible manner that is compatible with the Standards for Public Land Health, other resource uses and objectives, and in compliance with the grazing regulations under 43 CFR 4110.1(a)(1). In order to graze livestock on public land, the livestock permittee must hold a valid grazing permit.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Grazing Permit #0500034 Renewal for Kay Blanton-Huffman decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Impacts that may be both beneficial and adverse.

This project may have minor short term impacts to soils, vegetation, and wildlife; however these impacts are not significant. No changes to the number or kind of livestock, season of use, or amount of authorized grazing preference as expressed in AUMs are disclosed in the EA.

- 2. The degree to which the proposed action affects public health and safety. The proposed action is not expected to impact public health and safety.
- 3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no significant impacts to riparian vegetation, parklands, prime farmlands, wetlands, historic, cultural, or wild and scenic rivers within the project area. There are no municipal water supplies in the project area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects of the proposed action on the quality of the human environment are not considered highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects on the human environment from the proposed action are not uncertain and do not involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action would not establish a precedent for the future nor does it represent a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The proposed action is not related to other past, present or reasonable foreseeable actions likely to result in any significant impacts. The cumulative impacts of other grazing permit renewal activities and any other reasonable foreseeable activities in the same area are not likely to result in cumulatively significant impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The ground-disturbing activities associated with the proposed action would not directly adversely affect any sites eligible for the National Register of Historic Places.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The project would not adversely affect any sensitive, threatened, endangered species or those proposed for listing.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action does not violate Federal, State, and local laws or requirements for the protection of the environment.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: 1) the implementation of the Proposed Action or alternatives would not have significant environmental impacts beyond those already addressed in the "Record of Decision for the Kremmling Resource Management Plan," updated in 1999; (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major Federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

/s./ Dorothea Boothe Dorothea Boothe Acting Field Manager Kremmling Field Office

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT KREMMLING FIELD OFFICE

DECISION RECORD

Grazing Permit #0500034 for Silver Spur Operating Company, LLC DOI-BLM-CO-LLCON02000-2012-024-EA

DECISION:

It is my proposed decision to implement the Proposed Action of Environmental Assessment DOI-BLM-LLCON02000-2012-024-EA, which is to issue the grazing permit for #0500034 for Silver Spur Operating Company, LLC that authorizes livestock grazing on Allotment 07021 (Brands) for a period of 10 years. The permit will be issued for the same livestock numbers and season of use that are currently permitted. The permit will include the following terms and conditions, management guidelines, goals, objectives, and monitoring and evaluation requirements. The Proposed Action has been reviewed for consistency and conformance with the land use plan and compliance with the National Environmental Policy Act. A copy of the DOI-BLM-LLCON02000-2012-024-EA is attached.

The renewed permit would authorize livestock grazing to the following extent:

Permit	Allotment	Livestock: Number and Kind	Season of Use	% Public Land	Permitted AUMs*
0500034	07021 Brands	242 Cattle	07/01 - 08/31	24	116

^{*} AUM = animal unit month = the amount of forage needed to sustain one cow and calf for one month.

Terms and Conditions of the Proposed Action are:

- 1. Grazing use in the Allotments will be in compliance with the decision date.
- 2. The permittee is responsible for notifying the BLM of all county listed noxious weed populations which result from their livestock grazing operation.
- 3. Feeding of supplements such as salt, minerals, vitamins, or protein block is permitted on BLM lands. Supplements shall be placed at least one-quarter (1/4) of a mile from sources of water. Feeding of dry matter (hay) is not permitted on BLM lands.
- 4. This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources; and 2. is subject to (A) modification, suspension, or cancellation as required by land use plans and applicable law; and (B) annual review and to modification of terms and conditions, as appropriate; and the Taylor Grazing Act, as amended, the Federal Land Policy Management Act, as amended, the Public Rangeland Improvement Act, and the rules and regulations now or hereafter promulgated there under by the Secretary of the Interior.

- 5. Routine maintenance of range improvement is the responsibility of the permittee. Any soil disturbing activity must be revegetated with certified seed.
- 6. The permittee is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archeological sites, or for collecting artifacts.
- 7. If historic or archeological materials are uncovered during any allotment activities and grazing activities, the permittee is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer. Within five working days, the authorized officer will inform the permittee whether the materials appear eligible for the National Register of Historic Places and the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.
- 8. Pursuant to 43 CFR 10.4(g) the holder of this authorization must immediately notify the authorized officer, by telephone, with written communication, upon discovery of human remains, funerary items, or sacred objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d) the permittees must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- 9. If paleontological materials (fossils) are discovered during allotment activities, the permittee is to immediately stop activities that might further disturb such materials and contact the authorized officer. The permittee and the authorized officer will consult and determine the best option for avoiding or mitigating the paleontological site.
- 10. It is the responsibility of the livestock grazing permittee to control their livestock and keep them from trespassing on non-permitted public lands, even if the permitted BLM land is not fenced.
- 11. The permittee shall provide the Bureau of Land Management with reasonable administrative access across private and leased lands for the orderly management and protection of the public lands.

Under the proposed action, the goals and objectives for these renewals are:

- Manage livestock grazing to meet the requirements of the desirable perennial vegetation.
- Manage livestock grazing on public lands to promote healthy sustainable rangeland ecosystems and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy rangelands (43 CFR 4100.0-2)

Compliance for the grazing permit and its associated terms and conditions will be accomplished through the Kremmling Field Office Range Management Program. The Kremmling Field Office Range Monitoring Plan will be used to schedule periodic utilization checks, collect trend data, and evaluate the allotment. Evaluation of monitoring data would be used to make appropriate changes to the grazing permit to protect land health.

RATIONALE:

Approving permit renewals has been delegated by the Secretary of the Interior to the local Authorized Officer. Renewal of this permit would allow the current permittee to continue to graze on their designated allotments for a period of 10 years.

It was determined in the Kremmling Resource Management Plan (RMP) updated in 1999 that livestock grazing is integral part of the economic and social structure of the counties in the planning area. Not renewing this permit is not considered a viable alternative in the RMP.

MITIGATION MEASURES\MONITORING:

The monitoring program would include appropriate consultation, cooperation and coordination with the rangeland users, other agencies, and interested publics. Close coordination between the permittee or their representatives, the Colorado Parks and Wildlife, and the BLM of all livestock related field monitoring is essential to determine conformity with the terms and conditions of the permits.

Sufficient monitoring data would be collected to determine if management actions are; 1) contributing to the achievement of allotment objectives; and 2) achieving or making significant progress toward achieving the Standards for Public Land Health in Colorado and Guidelines for Livestock Grazing Management.

The intensity and frequency of additional monitoring done on the allotment would be dependent on annual funding allocations and work priorities established for the Kremmling Field Office. Monitoring priorities for the allotment would be determined annually. Guidance provided in BLM Technical References and BLM Manuals would be the basis for monitoring or inventory conducted on the allotment.

Monitoring would include both short-term and long-term studies. Short-term monitoring would include compliance monitoring, actual use data, range readiness when necessary through a joint field inspection with the BLM and the permittee, utilization studies on riparian areas and uplands and collection of climate and soil moisture data. Long-term monitoring would document and measure trends toward or achievement of objectives over a period of years.

Evaluations may be conducted anytime during the implementation of this permit if monitoring data or other data support changes to the allotment objectives, management actions or annual permitted use.

Authorization:

§ 4100.0-3 Authority.

- (a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r);
- (b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*);
- (c) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); and

(d) Public land orders, Executive orders, and agreements that authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified.

PROTEST/APPEALS:

Any applicant, permittee, lessee or other affected interest may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kremmling Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459 within 15 days of the Notice of Proposed Decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the Proposed Decision is in error.

In accordance with 43 CFR 4160.3 (a), *in the absence of a protest*, this Proposed Decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3 (b) *upon a timely filing of a protest*, after a review of protests and statement of reasons received and other information pertinent to the case, the Authorized Officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the Proposed Decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471. The appeal and petition for a stay must be filed with the Kremmling Resource Area Field Manager, Bureau of Land Management, 2103 Park Ave, PO Box 68 Kremmling, CO 80459.

The person/party must also serve a copy of the appeal with the Office of the Regional Solicitor, U.S. Department of the Interior, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215, and any person sent a copy of this decision (see cc list following the signature line) [43 CFR 4.421(h)]. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division, Office of Hearings and Appeals, Salt Lake City, Utah a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition 43 CFR 4.472 (b). Within 15 days after filing the motion to intervene and response, the

person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision [43 CFR 4.472(b)].

If you have no concerns with the grazing permit as offered, please sign, date, and return it at your earliest convenience. If you have any questions, please feel free to contact Neilie Tibbs at (970)724-3000 or stop by our office in Kremmling. Thank you for your continuing cooperation.

NAME OF PREPARER: Neilie Tibbs

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

<u>DATE</u>: 03/28/2012

SIGNATURE OF AUTHORIZED OFFICIAL: Dorothea Boothe

__/s/ Dorothea Boothe___ Kremmling Acting Field Manager

DATE SIGNED: 6/21/2012

ATTACHMENTS:

DOI-BLM-LLCON02000-2012-023-EA